

CONFIDENTIAL

PRIVILEGED

## PERKINS COIE LLP- MENLO PARK

FAX NUMBER: (650) 838-4350

IF THERE ARE PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL:

(650) 838-4312

RECEIVED  
CENTRAL FAX CENTERAddressee: U.S. Patent and Trademark Office FAX NO. 571 273-8300  
(COMPANY)Office of Petitions

(Department)

Direct Dial \_\_\_\_\_

From: Jacqueline F. Mahoney Date October 8, 2007Cover Sheet & 5 pages Client Number: 37167-8043.US00Return to Lynn Kennelly 4415  
NAME EXT. OFFICE LOCATIONOriginal document(s) will be: ☐ sent to you via Courier ☒ held in our filesRE: U.S. Patent Application No. 09/938,276 filed 08/22/2001  
For TISSUE SURFACE TREATMENT APPARATUS AND METHOD  
Renewed Petition under 37 CFR 1.47(a)

I hereby certify that the enclosed Transmittal and documents listed thereon are being transmitted via telefacsimile to the U.S. Patent and Trademark Office, Office of Petitions, at (571) 273-8300 :

Date: October 8, 2007 By: Lynnea B Kennelly

This Fax contains confidential, privileged information intended only for the intended addressee. Do not read, copy or disseminate it unless you are the intended addressee. If you have received this Fax in error, please email it back to the sender at perkinscoie.com and delete it from your system or call us (collect) immediately at (650) 838-4300, and mail the original Fax to Perkins Coie LLP, 101 Jefferson Drive, Menlo Park, CA 94025.

37167-8043.US00/LEGAL13627808.1

OCT 09 2007

10/08/2007 12:25 FAX 6508384350

PERKINS COIE LLP

002

Attorney Docket No. 37167-8043.US00

I hereby certify that this transmittal and the documents listed hereon are being transmitted to the U. S. Patent and Trademark Office, Office of Petitions, by facsimile at facsimile number (571) 273-8300, on the date shown below.

Date:

October 8, 2007

By:

Lynnea B. Kennelly  
Lynnea B. Kennelly

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: MORRIS *et al.*

APPLICATION No.: 09/938,276

FILED: August 22, 2001

FOR: TISSUE SURFACE TREATMENT APPARATUS AND METHOD

EXAMINER: PEFFLEY, M.

ART UNIT: 3739

CONFIRMATION NO. 1933

Transmittal

Mail Stop Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

- Enclosed are:
- ☒ A Renewed Petition under 37 CFR §1.47(a)
  - ☒ A new Declaration executed by the available joint inventor that contains the correct address for non-signing inventor David L. Morris.
- Fees:
- ☒ No fees are believed to be due with this submission. A check was previously submitted on June 29, 2007 which included the petition fee due in the amount of \$200.00.
  - ☒ The Director is hereby authorized to charge any underpayment in fees (or credit any overpayments) to Deposit Account No. 50-2207.

Respectfully submitted,

Date:

Oct. 8, 2007Jacqueline F. Mahoney  
Jacqueline F. Mahoney  
Registration No. 48,390Correspondence Address:

Customer No. 22918  
(650) 838-4300

10/11/2007 EMAIL1 00000036 502267 09938276

01-FC-1463

200-85 DR

37167-8043.US00/LEGAL13627998.1

OCT 09 2007

10/08/2007 12:25 FAX 6508384350

PERKINS COIE LLP

Attorney Docket No. 37167-8043.US00

I hereby certify that this Renewed Petition and the newly signed Declaration listed herein as being enclosed are being transmitted to the U. S. Patent and Trademark Office, Office of Petitions, by facsimile at facsimile number (571) 273-8300, on the date shown below.

Date: October 8, 2007By: Lynnea B. Kennelly

Lynnea B. Kennelly

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Morris *et al.*

SERIAL NO.: 09/938,276

FILED: August 22, 2001

FOR: TISSUE SURFACE TREATMENT  
APPARATUS AND METHOD

EXAMINER: Peffley, M.

ART UNIT: 3739

CONFIRMATION NO.: 1933

Renewed Petition under 37 C.F.R. §1.47(a)

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Applicants hereby request reconsideration of the PETITION DECISION mailed September 4, 2007 and submit this renewed Petition under 37 C.F.R. § 1.47(a), to make the present application on behalf of the omitted inventors, David L. Morris and Steve A. Daniel, who have refused to join in the application.

2. A grantable Petition under 37 C.F.R. § 1.47(a), to make the present application on behalf of the omitted inventor(s) requires (1) the petition fee of \$200.00; (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e); (3) a statement of the last known address of the non-signing inventors; (4) proof that a copy of the entire application was sent to or given to the non-signing inventor for review and proof that the non-signing inventor(s) refuses to join, or cannot be found or reached after diligent effort; and (5) a proper oath or Declaration executed by the available joint inventor(s).

37167-8043.US00/LEGAL13627967.1

Attorney Docket No. 37167-8043.US00

3. The Petition Decision acknowledged that Applicants have met requirements (1)-(4).
4. The Declaration executed by the available joint inventor and submitted with the Petition on July 3, 2007, contained the incorrect zip code for Mr. Morris.
5. Applicants enclose herewith a new Declaration executed by the available joint inventor that contains the correct address for non-signing inventor David L. Morris.

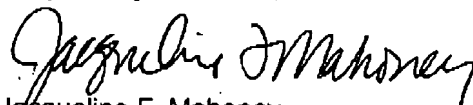
**Conclusion**

Applicants submit that the renewed petition complies with the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. §409.03(d).

**Fee Payment**

No fees are believed due with this petition, however, the Commissioner is authorized to charge any fees deemed due for consideration of this petition to Deposit Account No. 50-2207.

Respectfully submitted,

  
Jacqueline F. Mahoney  
Registration No. 48,390

Date: Oct. 8, 2007**Correspondence Address:**

Customer No. 22918  
Phone: (650) 838-4300

Attorney Docket No. 37167-8043.US00

3. The Petition Decision acknowledged that Applicants have met requirements (1)-(4).
4. The Declaration executed by the available joint inventor and submitted with the Petition on July 3, 2007, contained the incorrect zip code for Mr. Morris.
5. Applicants enclose herewith a new Declaration executed by the available joint inventor that contains the correct address for non-signing Inventor David L. Morris.

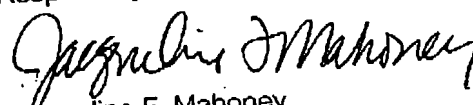
Conclusion

Applicants submit that the renewed petition complies with the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. §409.03(d).

Fee Payment

No fees are believed due with this petition, however, the Commissioner is authorized to charge any fees deemed due for consideration of this petition to Deposit Account No. 50-2207.

Respectfully submitted,

  
Jacqueline F. Mahoney  
Registration No. 48,390

Date: Oct. 8, 2007

Correspondence Address:

Customer No. 22918  
Phone: (650) 838-4300